

03/14/01  
 31058 U.S. PTO

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of ) Examiner: Not Assigned  
 )  
 William A. McMillan *et al.* ) Group Art Unit: Not Assigned  
 )  
 Serial No: Not Assigned ) Customer No.: 25213  
 )  
 Filed: March 14, 2001 )  
 )  
 For: **COMPUTER PROGRAM PRODUCT** )  
**FOR QUANTITATIVE ANALYSIS OF A** )  
**NUCLEIC ACID AMPLIFICATION** )  
**REACTION** )

**REQUEST FOR FILING A**  
**DIVISIONAL APPLICATION UNDER**  
**37 C.F.R. §1.53(b)**

Docket No.: 22660-0025 DIV 3

Express Mail Label No.: EL 852 463 615 US  
 Mailed in Palo Alto, CA on: March 14, 2001

BOX PATENT APPLICATION  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231

Sir:

This is a request for filing a divisional application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 09/562,195 filed May 1, 2000, of William A. McMillan, Lee A. Christel, David A. Borkholder, and Steven J. Young, for **APPARATUS, METHOD, AND COMPUTER PROGRAM PRODUCT FOR QUANTITATIVE ANALYSIS OF A NUCLEIC ACID AMPLIFICATION**.

1. Enclosed is a true copy of the oath or declaration showing the signature or an indication it was signed, and any amendments referred to in the oath or declaration filed to complete the prior application.
2. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above. With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120, the inventor(s) in this application is (are):

1c971 U.S. PTO  
 09/808877  
 03/14/01

/X/ the same.

/ / less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

3. /X/ Filing Fee Calculation

Applicant is a **[X] Small Entity** [ ] Large entity. The required fee is calculated below:

**FILING FEE CALCULATION**

Description	Claims	Extra	Rate	Fee Code	Fee
Basic Filing Fee				<b>201</b>	355
Independent Claims	5 - 3 =	2 x	\$40 =	<b>202</b>	80
Total Claims	44 - 20 =	24 x	\$9 =	<b>203</b>	216

**Total Filing Fee ..... \$651**

4. Payment of Filing Fees:

/X/ A check in the amount of \$651.00, is enclosed herewith.

/X/ The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 and §1.17, to Deposit Account No. 19-5431, referencing Docket No. 22660-0025 DIV 3. A **duplicate copy of this paper is attached.**

5. The prior application is assigned of record to: Cepheid.

6. The power of attorney in the prior application is to:

William Schmonsees, Reg. No.31,796

/X/ The power appears in the original papers in the prior application.

/ / A Power of Attorney and Revocation of Prior Powers is enclosed.

8. **Please address correspondence in this matter to:**

**William Schmonsees  
Heller Ehrman White & McAuliffe  
275 Middlefield Road  
Menlo Park, CA 94025-3506**

9. Documents enclosed:

/X/ Application: 106 pages of description; 15 pages of claims; 1 page of abstract;  
50 pages of Appendix A; 45 sheets of drawings;

/X/ a true copy of the oath or declaration showing the signature or an indication it was  
signed

/X/ Check in the amount of \$651.00.

/X/ 1 Return Receipt Postcard.

Respectfully submitted,

By: 

William Schmonsees  
Registration No. 31,796

Heller Ehrman White & McAuliffe LLP  
275 Middlefield Road  
Menlo Park, CA 94025-3506  
Direct Dial: (650) 324-7041  
Facsimile: (650) 324-0638

286617 v01.SV (655L01!.DOC)  
03/14/01 3:46 PM